

REAL ESTATE BOARD
MINUTES OF MEETING

May 14, 2009

The Real Estate Board met at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia. The following Board members were present:

Byrl Taylor, Vice Chair
R. Schaefer Oglesby
Nathaniel Brown
Judith L. Childress
Marjorie Clark
Sharon P. Johnson (arrived at 9:09 A.M.)
Scott Gaeser

Board members not present: Carol Clarke
Florence Daniels

DPOR staff present for all or part of the meeting included:

Jay DeBoer, Director
Mark Courtney, Deputy Director
Christine Martine, Executive Director
Bonnie Rhea Adams, Director of Complaint Analysis, & Resolution
Liz Hayes, Fair Housing Administrator
Angela Keefe-Thomas, Fair Housing Investigator
Earlyne Perkins, Legal Analyst
Michelle Atkinson, Legal Analyst
Kevin Hoeft, Education Administrator
Emily Trent, Administrative Assistant

Steven Jack and Tom Payne from the Office of the Attorney General were present.

Byrl Taylor called the meeting to order at 9:05 A.M.

Call to Order

Lem Marshall, Special Counsel for the Virginia Association of Realtors, addressed the Board concerning advertising commercial properties on the web. No action was taken by the Board.

Public Comment

Sharon Johnson arrived at 9:09 A.M.

Arrival of Board Member

A motion was made by Mr. Oglesby and seconded by Mr. Gaeser to approve the agenda. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Gaeser, Johnson, Oglesby and Taylor.

Agenda

A motion was made by Ms. Clark and seconded by Mr. Oglesby to adopt the following minutes: March 12, 2009, Informal Fact-Finding Conference; March 19, 2009, (Licensing) Informal Fact-Finding Conference; March 19, 2009, (Disciplinary) Informal Fact-Finding Conference; March 19, 2009 (Licensing) Informal Fact-Finding Conference; March 25, 2009, Informal Fact-Finding Conference; March 26, 2009, Real Estate Board Meeting; March 26, 2009, Informal Fact-Finding Conference; April 1, 2009, Informal Fact-Finding Conference; April 9, 2009, Informal Fact-Finding Conference; April 16, 2009, Informal Fact-Finding Conference; April 16, 2009, (Recovery Fund) Informal Fact-Finding Conference; and April 23, 2009, Informal Fact-Finding Conference. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Gaeser, Johnson, Oglesby and Taylor.

Minutes

Liz Hayes, Fair Housing Administrator, updated the Board on the current Fair Housing case load.

Fair Housing Administrators Report

In the matter of **Robert Zebera v. Christina Willoughby, OP Property Management, LLC, and Jeffrey Turner, REB File Number 2009-01704**, the Board reviewed the record which consisted of the Final Investigative Report, and Case Analysis and Recommendation. A motion was made by Ms. Clark and seconded by Mr. Oglesby to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Gaeser, Johnson, Oglesby and Taylor.

Robert Zebera v. Christina Willoughby, OP Property Management, LLC, and Jeffrey Turner, REB File Number 2009-01704

In the matter of **Sherry Brown and Angelo Brown v. Phillip Massa, REB File Number 2008-03528**, a motion was made by Mr. Gaeser and seconded by Ms. Johnson to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Gaeser, Johnson, Oglesby and Taylor.

Conciliation Agreement

In the matter of **Terrence Estu, Jr. v. A. J. Dwoskin & Associates, Albert J. Swoskin, Trustee, and Amy Lee, REB File Number 2009-03465**, a motion was made by Ms. Clark

Conciliation Agreement

and seconded by Ms. Childress to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Gaeser, Johnson, Oglesby and Taylor.

A motion was made by Ms. Johnson and seconded by Mr. Oglesby to approve the Fair Housing Sub-Committee minutes of March 26, 2009. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Gaeser, Johnson, Oglesby and Taylor.

**Fair Housing
Minutes**

In the matter of **File Number 2009-02518, Steven Falkowitz**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Mr. Falkowitz, the applicant, was present and addressed the Board. A motion was made by Mr. Oglesby and seconded by Ms. Clark to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Mr. Falkowitz's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Gaeser, Johnson, Oglesby and Taylor.

**File Number 2009-
02518, Steven
Falkowitz**

In the matter of **File Number 2009-03179, Sheila Haun**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Ms. Haun, the applicant, was present and addressed the Board. A motion was made by Mr. Gaeser and seconded by Ms. Johnson to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and approve Ms. Haun's application for a real estate salesperson's license with the following amendment: Ms. Haun's license is subject to an agreement for licensure for a period of one year wherein Ms. Haun and her broker will provide quarterly reports to the Board. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Gaeser, Johnson, Oglesby and Taylor.

**File Number 2009-
03179, Sheila Haun**

In the matter of **File Number 2009-02992, Ramon Smith**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding

**File Number 2009-
02992, Ramon Smith**

Conference of the presiding officer. Mr. Smith, the applicant, was present and addressed the Board. A motion was made by Ms. Johnson and seconded by Mr. Gaeser to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and approve Mr. Smith's application for a real estate salesperson's license with the following amendment: Mr. Smith's license is subject to an agreement for licensure until such time as he is released from probation wherein Mr. Smith and his broker will provide quarterly reports to the Board. The motion passed by majority vote. Members voting "Yes" were Brown, Childress, Clark, Gaeser, Johnson and Oglesby. Member voting "No" was Taylor.

In the matter of **File Number 2009-02991, David McClung**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. A motion was made by Ms. Johnson and seconded by Ms. Clark to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Mr. McClung's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Gaeser, Johnson, Oglesby and Taylor.

File Number 2009-02991, David McClung

In the matter of **File Number 2008-02925, Virginia Real Estate Transaction Recovery Act Claim of Teresa M. Mendendez (Claimant) and Melinda Poirier (Regulant)** the Board reviewed the record, which consisted of the Recovery Act claim form and review, transcript, exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Ms. Mendendez, claimant, was present and addressed the Board. A motion was made by Ms. Johnson and seconded by Ms. Childress to adopt the recommendation and to approve payment of \$1,248.00. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Gaeser, Johnson and Taylor.

File Number 2008-02925, Virginia Real Estate Transaction Recovery Act Claim of Teresa M. Mendendez (Claimant) and Melinda Poirier (Regulant)

As the presiding Board member, Mr. Oglesby did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2009-01855, Frank Mervin Worrell**, the Board reviewed the Consent Order as seen and

File Number 2009-01855, Frank Mervin

agreed to by Mr. Worrell. Mr. Worrell, respondent, was present and addressed the Board. A motion was made by Ms. Johnson and seconded by Ms. Clark to accept the proposed Consent Order offer wherein Mr. Worrell admits to a violation of §54.1-2135.A.2 (Count 1) of the *Code of Virginia*, and agrees to a monetary penalty of \$500.00 for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$650.00. In addition, for the violation of Count 1, Worrell agrees to complete at least eight (8) classroom hours of continuing education pertaining to Real Estate Agency and/or other equivalent course approved by the Board and provide proof of attendance and successful completion within six (6) months of the effective date of the Order. The course shall not be completed on-line. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Gaeser, Johnson and Taylor.

Worrell

As the Board member who reviewed the file, Mr. Oglesby did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2009-00093, Linda P. Mather**, the Board reviewed the record which consisted of the investigative file, transcript and exhibits from the Informal Fact-Finding Conference and the Consent Order as seen and agreed to by Ms. Mather. Lawrence Marshall, attorney for the respondent, was present and addressed the Board. A motion was made by Ms. Johnson and seconded by Ms. Clark to accept the proposed Consent Order offer wherein Ms. Mather admits to a violation of §54.1-2132.A.4 (Count 1) of the *Code of Virginia*, and agrees a monetary penalty of \$400.00 for the violation contained in Count 1, as well as \$350.00 in Board costs for a total of \$750.00. In addition, for the violation of Count 1, Mather agrees to attend and successfully complete four (4) hours of continuing education pertaining to contracts and/or other equivalent course approved by the Board. Such course must be completed in the classroom. Mather must provide proof acceptable to the Board that she has completed the continuing education within ninety (90) days of the effective date of the Order. Satisfactory completion of the above-referenced continuing education will not count towards any continuing education for renewal of license. The motion

File Number 2009-00093, Linda P. Mather

passed unanimously. Members voting “Yes” were Brown, Childress, Clark, Gaeser, Johnson and Taylor.

As the presiding Board member, Mr. Oglesby did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2008-00035, Dionetta N. Boone**, the Board reviewed the record which consisted of the investigative file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Ms. Boone, respondent, was present and addressed the Board. A motion was made by Mr. Oglesby and seconded by Mr. Gaeser to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-180.C.4 (Count 1) of the Board’s 2008 Regulations, a violation of 18 VAC 135-20-185.B (Count 2) of the Board’s 2003 Regulations, a violation of 18 VAC 135-20-240 (Count 3) of the Board’s 2003 Regulations, a violation of 18 VAC 135-20-180.C.4 (Count 4) of the Board’s 2003 Regulations, and a violation of 18 VAC 135-20-260.10 (Count 5) of the Board’s 2003 Regulations. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clark, Gaeser, Taylor and Oglesby.

File Number 2008-00035, Dionetta N. Boone

A motion was made by Mr. Oglesby and seconded by Mr. Gaeser to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$1,000.00 for the violation contained in Count 1, \$860.00 for the violation contained in Count 2, \$700.00 for the violation contained in Count 3, and \$1,000.00 for the violation contained in Count 4, for a total of \$3,560.00. The Board also imposes revocation of license for the violation of Count 3 and Count 5. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clark, Gaeser, Taylor and Oglesby.

As the presiding Board member, Ms. Johnson did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2008-04305, Dionetta N. Boone**, the Board reviewed the record which consisted of the investigative file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Ms. Boone, respondent, was present and addressed the Board. A motion was made by Ms. Clark and seconded by

File Number 2008-04305, Dionetta N. Boone

Mr. Oglesby to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-210.B (Count 1) of the Board's 1999 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Gaeser, Taylor and Oglesby.

A motion was made by Ms. Clark and seconded by Mr. Oglesby to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$500.00 for the violation contained in Count 1, for a total of \$500.00. The Board also imposes the following sanctions: Boone's license will be placed on probation until such time as she provides evidence acceptable to the Board that she has attended and successfully completed four (4) hours of continuing education pertaining to real estate contracts. The course(s) must be completed in the classroom. Boone must provide proof acceptable to the Board of the course completion within ninety (90) days of the execution of the Order. Satisfactory completion of the above-referenced course will not count towards any continuing education requirements for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Gaeser, Taylor and Oglesby.

As the presiding Board member, Ms. Johnson did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2008-03236, Nancy Gayle Heflin**, the Board reviewed the record which consisted of the investigative file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Ms. Heflin, respondent, was present and addressed the Board. A motion was made by Ms. Johnson and seconded by Mr. Oglesby to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-185.A (Count 1) of the Board's 2003 Regulations, a violation of 18 VAC 135-20-185.B (Count 2) of the Board's 2003 Regulations, a violation of 18 VAC 135-20-185.C.1 (Count 3) of the Board's 2003 Regulations, and a violation of 18 VAC 135-20-260.10 (Count 4) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Johnson, Taylor and Oglesby.

File Number 2008-03236, Nancy Gayle Heflin

A motion was made by Ms. Johnson and seconded by Ms. Childress to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$800.00 for the violation contained in Count 1, \$800.00 for the violation contained in Count 2, \$700.00 for the violation contained in Count 3, and \$1,500.00 for the violation contained in the Count 4, for a total of \$3,800.00. The Board also imposes the following sanctions: revocation of Heflin's broker's license for the violation of Count 1 and Count 4. In addition, the Board voted to issue Heflin a salesperson's license. The motion passed by majority vote. Members voting "Yes" were Brown, Childress, Clark, Johnson and Taylor. Member voting "No" was Oglesby.

As the presiding Board member, Mr. Gaeser did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2009-02908, Kathleen Farrar**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. A motion was made by Ms. Clark and seconded by Ms. Childress to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Ms. Farrar's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Gaeser, Johnson, Oglesby and Taylor.

File Number 2009-02908, Kathleen Farrar

In the matter of **File Number 2009-01231, David Reutershan**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Ms. Clark and seconded by Ms. Childress to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Mr. Reutershan's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Gaeser, Johnson and Taylor.

File Number 2009-01231, David Reutershan

As the presiding Board member, Mr. Oglesby did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2009-00652, Vicki Lynn Holmes**, the Board reviewed the record which consisted of the investigative file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Ms. Clark and seconded by Ms. Johnson to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-260.11 (Count 1) of the Board's 2003 Regulations, and a violation of 18 VAC 135-20-210 (Count 2) of the Board's 2003 Regulations with a notation that the Summary of the Informal Fact-Finding Conference should be corrected from listing the regulation as 18 VAC 135-20-210.A to 18 VAC 135-20-210. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Gaeser, Johnson and Taylor.

File Number 2009-00652, Vicki Lynn Holmes

A motion was made by Ms. Johnson and seconded by Mr. Gaeser to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$2,500.00 for the violation contained in Count 1, and \$500.00 for the violation contained in Count 2, for a total of \$3,000.00. The Board also imposes the following sanctions: revocation of Holmes' license for the violation of Count 1. The monetary penalty listed in the Summary of the Informal Fact-Finding Conference for Count 2 should be corrected from \$500.00.00 to \$500.00. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Gaeser, Johnson and Taylor.

As the presiding Board member, Mr. Oglesby did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2008-03716, Mondana Nicksolat**, the Board reviewed the record which consisted of the investigative file, transcript and exhibits from the Informal Fact-Finding Conference and the Consent Order as seen and agreed to by Ms. Nicksolat. A motion was made by Ms. Johnson and seconded by Mr. Gaeser to accept the proposed Consent Order offer wherein Ms. Nicksolat admits to a violation of 18 VAC 135-20-190.C.2.b (Count 1) of the Board's 2003 Regulations, and agrees a monetary penalty of \$1,000.00 for the violation contained in Count 1, as well as \$500.00 in Board costs for a total of \$1,500.00. In addition, for the violation of Count 1, Nicksolat agrees to be placed on

File Number 2008-03716, Mondana Nicksolat

probation until such time she has attended and successfully completed three (3) hours of continuing education pertaining to ethics and/or other equivalent course approved by the Board and three (3) hours of continuing education pertaining to legal updates and emerging trends and/or other equivalent course approved by the Board. Such courses must be completed in the classroom. Nicksolat must provide proof acceptable to the Board that she has completed the continuing education within ninety (90) days of the effective date of the Order. Satisfactory completion of the above-referenced continuing education will not count towards any continuing education for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Gaeser, Johnson and Taylor.

As the presiding Board member, Mr. Oglesby did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2009-01775, James C. Black, Jr.**, the Board reviewed the Consent Order as seen and agreed to by Mr. Black. A motion was made by Ms. Clark and seconded by Mr. Gaeser to accept the proposed Consent Order offer wherein Mr. Black admits to a violation of 18 VAC 135-20-260.10 (Count 1) of the Board's 2003 Regulations, and a violation of 18 VAC 135-20-240 (Count 2) of the Board's 2003 Regulations, and agrees to no monetary penalty for the violations contained in Count 1 and Count 2, as well as \$150.00 in Board costs for a total of \$150.00. In addition, for the violation of Counts 1 and 2, Black agrees to revocation of his license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Gaeser and Taylor.

File Number 2009-01775, James C. Black, Jr.

As the Board members who reviewed the file, Ms. Johnson and Mr. Oglesby did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2009-00150, Kelley W. Randolph**, the Board reviewed the Consent Order as seen and agreed to by Ms. Randolph. A motion was made by Mr. Gaeser and seconded by Ms. Clark to accept the proposed Consent Order offer wherein Ms. Randolph admits to a violation of 18 VAC 135-20-260.5 (Count 1) of the Board's 2003 Regulations, and a violation of 18 VAC 135-20-260.6 (Count 2) of the Board's 2003 Regulations, and agrees to no monetary penalty for the violations contained in Count 1 and

File Number 2009-00150, Kelley W. Randolph

Count 2. In addition, for the violation of Counts 1 and 2, Randolph agrees to revocation of her license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Gaeser, Oglesby and Taylor.

As the Board member who reviewed the file, Ms. Johnson did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2009-02201, Charles Grasty Smith**, the Board reviewed the Consent Order as seen and agreed to by Mr. Smith. A motion was made by Ms. Clark and seconded by Mr. Gaeser to accept the proposed Consent Order offer wherein Mr. Smith admits to a violation of 18 VAC 135-20-270.2 (Count 1) of the Board's 2003 Regulations, and agrees a monetary penalty of \$1,000.00 for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$1,150.00. In addition, for the violation of Count 1, Smith agrees to complete at least eight (8) classroom hours of continuing education pertaining to Real Estate Agency and/or other equivalent course approved by the Board and provide proof of attendance and successful completion within six (6) months of the effective date of the Order. The course must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Gaeser, Oglesby and Taylor.

File Number 2009-02201, Charles Grasty Smith

As the Board member who reviewed the file, Ms. Johnson did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2009-02541, Joseph Chauncey Foster**, the Board reviewed the Consent Order as seen and agreed to by Mr. Foster. A motion was made by Ms. Clark and seconded by Mr. Gaeser to accept the proposed Consent Order offer wherein Mr. Foster admits to a violation of 18 VAC 135-20-300.3 (Count 1) of the Board's 2008 Regulations, and a violation of 18 VAC 135-20-260.10 (Count 2) of the Board's 2003 Regulations, and agrees a monetary penalty of \$1,000.00 for the violation contained in Count 1, and \$1,650.00 for the violation contained in Count 2, in addition to \$150.00 in Board costs for a total of \$2,800.00. In

File Number 2009-02541, Joseph Chauncey Foster

addition, for the violation of Count 1, Foster agrees to complete at least three (3) classroom hours of continuing education pertaining to Real Estate Contracts and/or other equivalent course approved by the Board and provide proof of attendance and successful completion within six (6) months of the effective date of the Order. The course must be completed in the classroom. Further, for the violation of Count 2, Foster agrees to complete at least three (3) classroom hours of continuing education pertaining to Ethics and Standards of Conduct and/or other equivalent course approved by the Board and provide proof of attendance and successful completion within six (6) months of the effective date of the Order. The course must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Gaeser, Oglesby and Taylor.

As the Board member who reviewed the file, Ms. Johnson did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2009-01191, Tani Racquel Haggerty**, the Board reviewed the record which consisted of the investigative file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Ms. Johnson and seconded by Mr. Oglesby to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-260.5 (Count 1) of the Board's 2003 Regulations, a violation of 18 VAC 135-20-260.6 (Count 2) of the Board's 2003 Regulations, a violation of 18 VAC 135-20-170.A.1 (Count 3) of the Board's 2003 Regulations, and a violation of 18 VAC 135-20-250 (Count 4) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Johnson, Taylor and Oglesby.

File Number 2009-01191, Tani Racquel Haggerty

A motion was made by Ms. Johnson and seconded by Ms. Childress to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$450.00 for the violation contained in Count 2, \$600.00 for the violation contained in Count 3, and

\$2,500.00 for the violation contained in Count 4, for a total of \$3,550.00. The Board also imposes the following sanctions: revocation of license for the violation contained in Count 1, Count 2, Count 3 and Count 4. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Johnson, Taylor and Oglesby.

As the presiding Board member, Mr. Gaeser did not participate in the discussion or vote pertaining to this matter.

Ms. Taylor turned the position of Chair over to Mr. Oglesby and recused herself from the meeting.

Transfer of Chair

In the matter of **File Number 2009-01278, Sandra Richmond Wilkinson**, the Board reviewed the Consent Order as seen and agreed to by Ms. Wilkinson. A motion was made by Ms. Johnson and seconded by Ms. Clark to accept the proposed Consent Order offer wherein Ms. Wilkinson admits to a violation of §54.1-2135.A.2 (Count 1) of the *Code of Virginia*, and agrees to no monetary penalty for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$150.00. In addition, for the violation of Count 1, Wilkinson agrees to complete at least four (4) classroom hours of continuing education pertaining to Ethics and Standards of Conduct and/or other equivalent course approved by the Board and provide proof of attendance and successful completion within six (6) months of the effective date of the Order. The course shall not be completed on-line. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Gaeser, Johnson and Oglesby.

File Number 2009-01278, Sandra Richmond Wilkinson

As the Board member who reviewed the file, Ms. Taylor did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2009-00797, Gloria Louise Brown**, the Board reviewed the Consent Order as seen and agreed to by Ms. Brown. A motion was made by Ms. Johnson and seconded by Mr. Gaeser to accept the proposed Consent Order offer wherein Ms. Brown admits to a violation of 18 VAC 135-20-260.11 (Count 1) of the Board's 2003 Regulations, a violation of 18 VAC 135-20-260.10 (Count 2)

File Number 2009-00797, Gloria Louise Brown

of the Board's 2003 Regulations, a violation of 18 VAC 135-20-260.11 (Count 3) of the Board's 2003 Regulations, and a violation of 18 VAC 135-20-260.10 (Count 4) of the Board's 2003 Regulations, and agrees to no monetary penalty for the violation contained in Counts 1-4, as well as \$150.00 in Board costs, for a total of \$150.00. In addition, for the violation of Counts 1-4, Brown agrees to revocation of her license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Gaeser, Johnson and Oglesby.

As the Board member who reviewed the file, Ms. Taylor did not participate in the discussion or vote pertaining to this matter.

Ms. Taylor returned and assumed the position of Chair.

Transfer of Chair

In the matter of **File Number 2009-01042, Lorenzo Gamez**, the Board reviewed the Consent Order as seen and agreed to by Mr. Gamez. A motion was made by Ms. Johnson and seconded by Mr. Oglesby to accept the proposed Consent Order offer wherein Mr. Gamez admits to a violation of §54.1-2131.A.4 (Count 1) of the *Code of Virginia*, and agrees to a monetary penalty of \$300.00 for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$450.00. In addition, Gamez agrees to complete at least four (4) classroom hours of continuing education pertaining to Real Estate Contracts and/or other equivalent course approved by the Board and provide proof of attendance and successful completion within six (6) months of the effective date of the Order. The course shall not be completed on-line. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Gaeser, Johnson, Taylor and Oglesby.

File Number 2009-01042, Lorenzo Gamez

In the matter of **File Number 2008-04889, Patricia Ford Copper**, the Board reviewed the Consent Order as seen and agreed to by Ms. Copper. A motion was made by Ms. Johnson and seconded by Mr. Gaeser to accept the proposed Consent Order offer wherein Ms. Copper admits to a violation of 18 VAC 135-20-210.B (Count 1) of the Board's 1999 Regulations, and agrees to a monetary penalty of \$250.00 for the violation contained in Count 1, as well as \$150.00 in Board

File Number 2008-04889, Patricia Ford Copper

costs for a total of \$400.00. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Gaeser, Johnson, Oglesby and Taylor.

In the matter of **File Number 2009-00604, Anne Seidel Overington**, the Board reviewed the Consent Order as seen and agreed to by Ms. Overington. A motion was made by Ms. Johnson and seconded by Mr. Gaeser to accept the proposed Consent Order offer wherein Ms. Overington admits to a violation of 18 VAC 135-20-310.2 (Count 1) of the Board's 2003 Regulations, and agrees to a monetary penalty of \$500.00 for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$650.00. In addition, for violation of Count 1, Overington agrees to complete at least eight (8) classroom hours of continuing education pertaining to Ethics and Standards of Conduct and/or other equivalent course approved by the Board and provide proof of attendance and successful completion within six (6) months of the effective date of the Order. The course shall not be completed on-line. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirement, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Gaeser, Johnson, Oglesby and Taylor.

File Number 2009-00604, Anne Seidel Overington

In the matter of **File Number 2009-02077, Keith L. Hartke**, the Board reviewed the Consent Order as seen and agreed to by Mr. Hartke. A motion was made by Ms. Johnson and seconded by Mr. Gaeser to accept the proposed Consent Order offer wherein Mr. Hartke admits to a violation of §54.1-2132.A.4 (Count 1) of the *Code of Virginia*, and a violation of 18 VAC 135-20-180.1.a (Count 2) of the Board's 2008 Regulations, and agrees to a monetary penalty of \$400.00 for the violation contained in Count 1, and \$300.00 for the violation contained in Count 2, as well as \$150.00 in Board costs for a total of \$850.00. In addition, for violation of Count 1, Hartke agrees to complete at least four (4) classroom hours of Board-approved education pertaining to Escrow Management and/or other equivalent course approved by the Board and provide proof of attendance and successful completion within six (6) months of the effective date of the Order. The course shall not be completed on-line. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards

File Number 2009-02077, Keith L. Hartke

any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Gaeser, Johnson, Oglesby and Taylor.

The Board recessed from 10:15 A.M. -10:30 A.M.

Break

A motion was made by Ms. Clark and seconded by Mr. Gaeser to authorize staff to file a NOIRA (Notice of Intended Regulatory Action) pertaining to the Fair Housing Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Gaeser, Johnson, Oglesby and Taylor.

Administrative Issues

A motion was made by Mr. Gaeser and seconded by Ms. Clark to approve the amended Residential Property Disclosure Statement, effective July 1, 2009. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Gaeser, Johnson, Oglesby and Taylor.

The Board reviewed the Education Committee Report. A motion was made by Ms. Johnson and seconded by Mr. Oglesby to accept the May 13, 2009, Education Committee Report. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Gaeser, Johnson, Oglesby and Taylor.

Education Committee Report

A motion was made by Ms. Johnson and seconded by Mr. Gaeser to accept the proposed Guidance document to clarify the statutory requirement for a notarized affidavit for distance education courses as it pertains to §54.1-2105.03.A.3. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Gaeser, Johnson, Oglesby and Taylor.

New Business

Board members thanked Schaefer Oglesby for his eight years of service to the Real Estate Board. No action was taken by the Board.

There being no further business, the Board adjourned at 10:55 A.M.

Adjourn

Carol F. Clarke, Chair

Jay DeBoer, Secretary

DRAFT